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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,889	06/21/2000	Christopher Kershaw	SCHW-800-(US)	6362
29585	7590	01/03/2007		
DLA PIPER US LLP 153 TOWNSEND STREET SUITE 800 SAN FRANCISCO, CA 94107-1957			EXAMINER CHUONG, TRUC T	
			ART UNIT	PAPER NUMBER
			2179	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/598,889	Applicant(s) KERSHAW ET AL.	
	Examiner Truc T. Chuong	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Appeal Brief, filed 04/13/06 and Restriction/Election, received 09/08/06.

Applicant's election with traverse of the Election in the reply filed on 09/08/06 is acknowledged; however, the Applicant's Election, received 09/08/06, with respect to Groups I and II of the Election/Restrictions have been carefully reconsidered and are persuasive. The Election/Restrictions of Groups I and II has been withdrawn.

Claims 1-15 are pending in this application. Claims 1, 7, 12, and 15 are independent claims. This action is made non-final.

2. In view of the Appeal Brief filed on 04/13/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Sheppard (“Sheppard”, U.S. Patent No. 6,026,397).

As to claim 1, Sheppard shows a method for comparing information from a plurality of items on a visual display (e.g., figs. 7 and 15), comprising the steps of

(a) identifying with a common tag (Actual/Percentage Values tag 160 can be selected for Hist 1 and Hist 2, e.g., figs. 7 and 15), passages in the information for each of the plurality of different items which relate to a category of information (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31);

(b) providing a different display area in the visual display for each of the plurality of different items (e.g., figs. 7 and 15); and

(c) displaying in each of the display areas the passages from each of the plurality of different items which are identified by a designated common tag, so that the passages are observable at the same time (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31).

As to claim 3, Sheppard shows the method of claim 1 wherein the information about the plurality of different items is found in reports compiled for each of the plurality of items, and each of the common tags is an anchor link (e.g., figs. 7 and 15).

As to claim 4, Sheppard teaches the method of claim 3 wherein the reports are compiled by an information server (database 44, e.g., col. 4 lines 57-65 and fig. 1).

As to claim 5, Sheppard shows the method of claim 4 wherein the information server inserts the common tags into the reports (database 44 and its processor connecting with the user's computer 12 to process data and print the reports as shown in figs. 7 and 15).

As to claim 6, Sheppard shows the method of claim 4 wherein the information server is located remotely from the visual display (database 44 (fig. 1) and its processor connecting with the user's computer 12 to process data and print the reports as shown in figs. 7 and 15).

As to claim 7, Sheppard shows a method of providing comparative information in an image displayed by a visual display about a plurality of different items, wherein information about the plurality of different items includes portions relating to common topics, and further wherein the portions on common topics are identified in the information by identifying tags (Actual/Percentage Values tag 160 can be selected for Hist 1 and Hist 2, e.g., figs. 7 and 15, and see claim 1 above), the method comprising the steps of

- (a) providing a navigational frame in the displayed image (e.g., windows 160 and 162);
- (b) providing a plurality of dynamic frames in the displayed image (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31);

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(c) receiving in the navigational frame a user designation of the different items to be compared (Actual/Percentage Values tag 160 can be selected for Hist 1 and Hist 2, e.g., figs. 7 and 15);

(d) display simultaneously in each of the dynamic frames information about the different items designated to be compared (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31).

As to claim 8, it can be rejected under similar rational as claim 7. Note the rejection of claim 7 above.

As to claim 9, Sheppard shows the method of claim 7 further including the step of compiling the information about the plurality of items in a server located remotely from the visual display (database 44 (fig. 1) and its processor connecting with the user's computer 12 to process data and print the reports as shown in figs. 7 and 15).

As to claim 10, Sheppard shows the method of claim 9 further including the steps of
(a) sending a request to the server for reports about the items designated in the navigational frame (Actual/Percentage Values tag 160 can be selected for Hist 1 and Hist 2, e.g., figs. 7 and 15, and different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31);

(b) compiling in the sever the requested reports (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31); and

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(c) communicating the requested reports to the visual display (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31).

As to claim 11, Sheppard shows the method of claim 10 wherein the compiling step includes the step of assembling frames for the reports corresponding to each of the portions on the common topics (Actual/Percentage Values tag 160 can be selected for Hist 1 and Hist 2, e.g., figs. 7 and 15, and different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col. 8 line 20, and col. 15 lines 14-31).

As to claims 12-14, they are apparatus claims of method claims 7-8, and 10. Note the rejections of claims 7-8, and 10 above respectively.

As to claim 15, it is individually similar in scope to claim 10 above; therefore, rejected under similar rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheppard ("Sheppard", U.S. Patent No. 6,026,397) in view of Freidman et al. ("Freidman", U.S. Patent No. 6,360,188 B1).

As to claim 2, Sheppard shows the method of claim 1 wherein the plurality of different items (see claim 1 above) and the information being compared is information (different values are compared side-by-side shown as 146 versus 148 of fig. 7 and 342 versus 344 of fig. 15, col. 7 line 44-col: 8 line 20, and col. 15 lines 14-31); however, Sheppard does not clearly mention that the plurality items are investments. Freidman clearly teaches banking information and investments (Freidman, col. 11 line 57-col. 12 line 63, and figs. 3-5, and 7C). It would have been obvious, at the time of the invention, a person with ordinary skill in the art would have the financial display features of Freidman's financial model in Sheppard's system to provide more flexible ways in viewing data for users by using the direct graphical representation facilitates planning operations and enables accurate, rapid and easily understandable development of plans (Freidman, Abstract).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

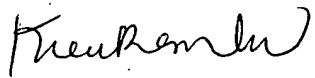
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Truc T. Chuong

12/11/06



Kieu Vu

Primary Examiner